REMARKS

Claims

In the amendments above, Claims 30, 40, 50, and 51 have been amended, to more particularly point out and distinctly claim Applicants' invention.

Double Patenting

Claims 50 and 51 have been objected to on the basis of "double patenting" and/or being substantial duplicates of Claims 30 and 40, respectively. Applicants respectfully suggest that this objection is without foundation for at least the following reasons: First, such an objection can only be made when at least one claim involved in a "double patenting" rejection has been allowed. Here, neither of Claims 30 and 40 has yet been allowed. Second, Claims 50 and 51 are not substantial duplicates of Claims 30 and 40, respectively. For example, each of Claims 50 and 51 does not have a limitation that each of Claims 30 and 40 has, namely, that the door has a thickness of 1.75 in. And third, Claims 50 and 51 have not been rejected over the prior art on the same basis as Claims 30 and 40. Thus, even the Examiner has treated Claims 50 and 51 differently from Claims 30 and 40.

For at least the reasons above, the "double patenting" objection of Claims 50 and 51 should be withdrawn.

§ 112 Rejection

Claims 30-36, 38-46, and 48-51 have been rejected under 35 U.S.C. § 112, second paragraph. The Examiner's attention is directed to the amendments to Claims 30, 40, 50, and 51 above, which amendments are believed to overcome the bases of this rejection.

Prior Art Rejections

§ 102(b)

Claims 50 and 51 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Smith, British Patent Application No. 2,265,664 ("Smith"). The Examiner maintains that Smith discloses a security system for a doorway comprising a door frame constructed in an opening of a wall and having two vertical sides, a door jamb attached to and extending the length of one vertical side of the door frame, and a door sized and shaped to fit within the door frame, the door having a front surface, a rear surface, a top surface, a bottom surface, a free vertical edge portion, and a hinged vertical edge portion, the free vertical edge portion comprising at least one lockset having a locking member 21 to be received, and the door jamb having at least one opening to receive a locking member 21 from the at least one lockset, the security system comprising: a first U-shaped reinforcing member 2 capable of being securely affixed to the free vertical edge portion of the door, said reinforcing member comprising steel, extending along the full length of the free vertical edge portion of the door, having at least one opening 8 for passage of a locking member 21 from the at least one lockset, and comprising a longitudinally extending base member 5 and two substantially perpendicularly positioned side members 3 and 4, each of the side members having a proximal edge and distal edge and a substantially planar surface extending from the proximal edge to the distal edge, and the base member having a substantially planar surface, and a second reinforcing member 10 capable of being securely affixed to the door jamb, said second reinforcing member having at least one opening 15 for passage of a locking member 21, wherein the U-shaped reinforcing member is over-bend mounted to the free vertical edge portion of the door so that the reinforcing member 2 engages the free vertical edge portion of the door, wherein the second reinforcing member has a length substantially equal to a vertical portion of the door, and wherein force applied against the front or rear surface of the door

will be transmitted through at least one locking member to the second reinforcing member and to the door frame.

§ 103(a)

Claims 30-35 and 40-45 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Barnes, U.S. Patent No. 306,806 ("Barnes"). The Examiner maintains that Smith discloses a security system for a doorway comprising a door frame constructed in an opening of a wall and having two vertical sides, a door jamb attached to and extending the length of one vertical side of the door frame, and a door sized and shaped to fit within the door frame, the door having a front surface, a rear surface, a top surface, a bottom surface, a free vertical edge portion, and a hinged vertical edge portion, the free vertical edge portion comprising at least one lockset having a locking member 21 to be received, and the door jamb having at least one opening to receive a locking member 21 from the at least one lockset, the security system comprising: a first U-shaped reinforcing member 2 capable of being securely affixed to the free vertical edge portion of the door, said reinforcing member comprising steel, extending along a length of the free vertical edge portion of the door, having at least one opening 8 for passage of a locking member 21 from the at least one lockset, and comprising a longitudinally extending base member 5 and two substantially perpendicularly positioned side members 3 and 4, each of the side members having a proximal edge and distal edge and a substantially planar surface extending from the proximal edge to the distal edge, and the base member having a substantially planar surface, and a second reinforcing member 10 capable of being securely affixed to the door jamb, said second reinforcing member having at least one opening 15 for passage of a locking member 21, wherein the U-shaped reinforcing member is over-bend mounted to the free vertical edge portion of the door so that the reinforcing member 2 engages the free vertical portion of the door, wherein the second reinforcing member has a length, and wherein force applied against the front or rear surface of the door will be transmitted

through at least one locking member to the second reinforcing member and to the door frame, the locking member 21 is a dead bolt, a door latch, screws, and that Smith is silent concerning the lengths of first and second reinforcing members. The Examiner also maintains that, however, Barnes discloses a door security system comprising a reinforcing member B extending the full length of the door and that it would have been obvious to one of ordinary skill in the art to provide the first U-shaped reinforcing member of Smith with a length extending the full length of the door, as taught by Barnes, to increase the strength of the reinforcing member and thus the effectiveness of the security system.

Further, the Examiner maintains that one of ordinary skill in the art is expected to routinely experiment with parameters so as to ascertain the optimum or workable ranges for a particular use and that, accordingly, it would have been no more than an obvious matter of engineering design choice, as determined through routine experimentation and optimization, for one of ordinary skill to provide the second reinforcing member with a length substantially equal to the full length of the door to match the length [of] the first reinforcing member in order to provide adequate strength to the security system.

The Examiner took official notice that a door width of about 1.75 inches is well known in the art.

Claims 36 and 46 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Barnes as applied to Claims 30-35 and 40-45 above, and further in view of Stein, U.S. Patent No. 5,475,044 ("Stein"). The Examiner maintains that Stein discloses a silicon adhesive and that it would have been obvious to one of ordinary skill in the art to provide Smith, as modified above, with an adhesive, as taught by Stein, to more securely attach the reinforcing members to the door assembly.

Claims 38 and 48 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Barnes as applied to Claims 30-35 and 40-45 above,

and further in view of Francis, U.S. Patent No. 4,865,370 ("Francis"). The Examiner maintains that Francis discloses a second reinforcing member 60 having a tubular member 66 to receive a locking member, and that it would have been obvious to one of ordinary skill in the art to provide Smith, as modified above, with a tubular member, as taught by Francis, to further increase the strength of the security system.

Claims 39 and 49 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Barnes as applied to Claims 30-35 and 40-45 above, and further in view of Zarzycki, U.S. Patent No. 6,406,076 ("Zarzycki"). The Examiner maintains that Zarzycki discloses a metal door 202, and that it would have been obvious to one of ordinary skill in the art to use the invention as taught by Smith, as modified above, with a metal door, as taught by Zarzycki, so that the combination of the security system with the increased strength of a metal door will provide increased security.

Discussion

Applicants respectfully traverse the above rejections under §§ 102(b) and 103(a).

As has been discussed before with the Examiner, the invention herein is directed to a security system comprising a first reinforcing member that fits securely on the edge portion of a door and a second reinforcing member that is attached to the jamb of a door frame. The inventive system, that is, a combination of a first reinforcing member and a second reinforcing member, each having specified characteristics, as set forth in Claims 30, 40, 50, and 51, has been developed to provide a security system where forces applied to a door by an alleged perpetrator are transmitted to the door frame in such a way that the door and any locking mechanism remain intact. Important characteristics of the invention include the fact that the first reinforcing member extends substantially along the full length of the free vertical portion of the door and that the second reinforcing member has a length of from about 12 inches to substantially the length of a vertical portion of the door.

Smith

Smith discloses a security device comprising a first, C-shaped plate and a jamb plate. The C-shaped plate is intended to be slipped over the edge of a door or window in the proximity of a locking means. The jamb plate is intended to provide reinforcement to a frame or jamb surrounding the door or window.

Smith Does Not Anticipate the Invention

Smith differs from the claimed invention in at least three ways. First, at lines 13-14 of page 4 and lines 4-5 of page 6 of the Office Action, the Examiner characterizes the C-shaped plate of the Smith device as "extending along the full length of the free vertical edge portion of the door ...." This is not the same as the limitation of each of Claims 50 and 51 (or Claims 30 and 40) that the first reinforcing member extend "substantially along the length of the free vertical portion of the door ..." (emphasis added).

In fact, this mischaracterized feature of Smith is NOT the same as, and is distinctly different from, Applicants' claim limitation. Having a member along the portion of the door in the vicinity of the locking means (see, for example, page 2, lines 12-15, of Smith) is far different from a reinforcing member that extends substantially the full length of the free vertical edge portion of the door.

There is no teaching or suggestion that the C-shaped plate of Smith is intended to extend substantially along the edge of a door beyond the proximity of any locking means, as is required by Applicants' claims. This is significant since the limited size of the Smith C-shaped plate means that it will not and can not function to transmit force along the longitudinal edge of a door as occurs according to Applicants' invention.

In his remarks in the Office Action the Examiner commented (pages 9-10) that Smith disclosed that member 2 "may be any suitable height or width..." and that member 2 is not clearly intended to be positioned around the locking mechanism. Applicants

respectfully suggest that this partial quotation is misleading because the language has a different meaning when considered in the the context of the remainder of the sentence, which reads as follows:

> "... in order to reinforce or strengthen the door or window in the proximity of as many locking mechanisms as are required."

The totally of the sentence is unquestionably supportive of Applicants' position that Smith does not teach or suggest that the C-shaped member should extend substantially the length of the vertical free edge portion of the door but, rather, that the C-shaped plate is meant to be in the vicinity of the locking mechanism(s).

Second, in Claims 50 and 51 (as well as in Claims 30 and 40) the second reinforcing member has a length of from about 12 inches to substantially the length of a vertical portion of the door. While the Examiner has mischaracterized the length of Smith's jamb member as being substantially equal to a vertical portion of the door, Smith does NOT teach that the actual length of the jamb member will be any more than around the locking mechanism(s).

And third, the cross-section of the first reinforcing member of the claimed invention differs from the cross-section of the corresponding member in the Smith device. As has been discussed with the Examiner, the essentially trapezoidal cross-section of the first reinforcing member of the claimed device has an opening with a width that is slightly less than width of the door and/or the width of the closed end of the cross-section. Applicants have worked with the Examiner to develop appropriate language to describe this shape of cross-section, as a result of which each of Claims 30, 40, 50, and 51 refers to a first reinforcing member that can be overbend mounted to the door. This is consistent with the language in the specification where Applicants indicate that the first reinforcing member can be "angled and crimped into a U-shape and over bend mounted to the edge of the door..." (paragraph 10, lines 3-4).

Despite the Examiner's mischaracterization of Smith's C-shaped member as being "overbend mounted," this limitation of Applicants' claims is also not met. Rather, Smith indicates that first plate 2 is sized to "fit snugly over the end of a door or window..." (page 5, line 17). Smith goes on to say that:

> "...the internal distance between the front 3 and rear 4 sides [of] the plate 2 approximate the width of the door or window...." (Page 5, lines 19-20)

Applicants' invention differs from Smith's device where the C-shaped member is slipped unto the edge of a door and then, preferably, held in place with screws (page 2, line 33, to page 3, line 2; page 6, lines 2-4; and Fig. 1 of Smith).

Applicants reiterate that "fit snugly" is not the same as a U-shaped member overbend mounted and having a cross-section with a tapered, essentially trapezoidal shape that firmly engages the edge of a door to achieve a frictional fit, as happens according to Applicants' invention. The fact that Smith teaches securing the C-shaped member to the door with 32 screws to keep the member from falling off (Fig. 1; page 6, lines 2-4) is a clear indication that "fit snugly" is not the same as the frictional fit engagement that is achieved according to Applicants' invention.

For at least the reasons above, it is clear that Smith does not meet all the limitations of Claims 50 and 51. Therefore, the rejection of Claims 50 and 51 under § 102(b) should be withdrawn.

Barnes

Barnes discloses a door protector adapted to be used on the front edges of wooden doors to prevent their warping out of shape. The door protector primarily consists of a flat metallic plate having a width corresponding to the thickness of the door and having a length the same as that of the door. The door protector also has flanges to strengthen the door at the point which has been weakened by the mortise into which the mortised lock usually employed is inserted.

Barnes Does Not Overcome Smith's Deficiencies

Smith and Barnes have been combined by the Examiner to support his position that embodiments of the invention set forth in Claims 30-35 and 40-45 are obvious in view of the combination of these two references. Applicants respectfully submit that this combination does not suggest Applicants' invention.

The Examiner has combined Smith with Barnes due to Barnes' apparently longitudinally extending first member. First of all, Component B, "the metallic plate secured to such front edge ..." (lines 30-31 of Barnes) is not a reinforcing member, as characterized by the Examiner; rather, it functions to prevent warping (see, for example, lines 10-14 of Barnes). In addition, it should be noted that the Barnes' longitudinal member is a flat (not U-shaped) piece applied to the edge of the door with screws that are spaced apart in a linear, longitudinal manner.

One skilled in the art would appreciate that applying screws to the edge of a door in a linear, spaced apart manner may prevent warping but creates a line of weakness. The result is the modified door that is more vulnerable to attack as compared to, for example, Applicants' invention.

Also, Barnes' device is designed for a mortise lock and not a deadbolt lock such as is the focus of Applicants' invention. Further, applying the Barnes' device to a door would cause problems with weather stripping and closure on the door jamb.

Viewed in a broader sense, combining a device as taught by Smith with a device as taught by Barnes would result in a combination security device/door protector where the C-shaped member of the Smith device might have flanges around the locking mechanism to provide more strength there and vertically extending flat pieces to prevent the door from warping, with linearly spaced screws that will weaken the door. There is nothing in this Rube Goldberg combination that is at all close to the amazingly effective security system represented by Applicants' invention.

While Applicants' earnestly believe that the combination of Smith and Barnes would not suggest Applicants' invention to one skilled in the art, Applicants respectfully submit that this combination of Smith and Barnes is inappropriate because there is no motivation for one skilled in the art to combine aspects of the two different systems. Smith teaches a security system, and Barnes teaches a door-protector with anti-warping longitudinal components and a mortise lock-area reinforcement component. One skilled in the art would not be motivated to include the anti-warping components from Barnes in the security system of Smith. Picking and choosing elements from essentially unrelated references, as the Examiner has done here, is not a substitute for motivation.

Moreover, the combination of features or elements from Smith and Barnes that the Examiner maintains would be obvious to one skilled in the art to make a better security system would very likely have the opposite effect. More specifically, the combination that the Examiner proposes of the Smith two-plate security combination with the anti-warping components described by Barnes would result in whatever security is provided by Smith's apparatus being compromised by the inherent weakness created in the edge of the door by the linearly spaced screws used to fasten Barnes' flat device to the door edge.

Applicants previously provided a Declaration of James P. Griffin, Jr., one of the inventors. Mr. Griffin provided comments regarding the Smith and Barnes references as well as information regarding the unexpected commercial success thus far of the DOOR SAFE SYSTEMS™ door security system corresponding to the claims herein. Applicants respectfully submit that the Examiner's comments regarding the Declaration were inappropriate. Mr. Griffin presented a showing of commercial success and interest based upon sales that were unexpectedly good in view of the limited promotion. There was no market to compare the sales to since this was the only product of its specific type. Moreover, the Examiner's requirement of a "nexus" is not applicable here.

Applicants respectfully suggest that the combination of Smith and Barnes does not teach or disclose Applicants' invention and that the rejection of Claims 30-35 and 40-45 under § 103(a) should be withdrawn.

Smith and Barnes, either by themselves or in combination with Stein, Francis, or Zarzycki, have been applied to support rejections of Claims 36-39 and 46-49 under § 103(a). Applicants respectfully suggest that in view of the deficiencies of the combination of Smith and Barnes, as pointed out above, the further combination or application of Smith and Barnes and/or combination with Stein, Francis, or Zarzycki does not suggest these other claims. Accordingly, the rejections under § 103(a) based upon Smith and Barnes and Stein, Francis, or Zarzycki should also be withdrawn and Claims 36-39 and 46-49 should be allowed.

Conclusion

Applicants respectfully submit that the amendments to the claims and the comments above overcome the objections and rejections set forth in the Office Action. In the event that the claims herein are allowable but for a minor matter that could be subject of a supplemental response or an Examiner's Amendment, Applicants would appreciate the Examiner's contacting Applicants' undersigned attorney.

Reconsideration and allowance of all the claims herein are respectfully requested.

Respectfully submitted,

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